

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

CHARLES COLLINS,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO.
)	2:08cv438-MHT
)	(WO)
NOVARTIS PHARMACEUTICALS)	
CORPORATION,)	
)	
Defendant.)	

OPINION

Plaintiff Charles Collins filed this lawsuit asserting a claim of breach of the implied warranty of merchantability against defendant Novartis Pharmaceuticals Corporation for its product Aredia®, which he contends caused him to suffer bisphosphonate-related osteonecrosis of the jaw. After remand from the MDL court, this lawsuit is now before this court on the recommendation of the United States Magistrate Judge that Novartis's motion for summary judgment should be granted. Also before the court are Collins's objections to the recommendation. After an

independent and de novo review of the record, the court concludes that Collins's objections should be overruled and the magistrate judge's recommendation adopted. However, as the resolution of the statute-of-limitations argument is unnecessary, the court adopts only the part of the recommendation finding that Collins cannot establish an implied-warranty-of-merchantability claim under the facts of this case.

An appropriate judgment will be entered.

DONE, this the 11th day of May, 2015.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE